

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

In re:

Shelia A Jackson

Chapter 13

Case No. 19-61801-RBC

Debtor

OBJECTION TO CONFIRMATION

MTGLQ Investors, LP by its undersigned attorneys, Orlans PC, hereby objects to the confirmation of the Chapter 13 plan filed by the Debtor Shelia A Jackson (“Debtor”), and as grounds therefore states as follows:

1. On or about November 21, 2006, Shelia A Jackson executed and delivered to Beneficial Mortgage Co. of Virginia a promissory note (the “Note”) in the amount of TWO HUNDRED SIXTY-ONE THOUSAND TWO HUNDRED NINE DOLLARS AND TWENTY CENTS (\$261,209.20), plus interest at the fixed rate of 8.286% per annum, to be paid over thirty (30) years.
2. Shelia A Jackson executed a mortgage to Beneficial Mortgage Co. of Virginia dated November 21, 2006. The Mortgage is a first mortgage on real property owned by the Debtor known and numbered as 2614 Huntington Road, Charlottesville, VA 22901.
3. The Mortgage is materially in default.
4. The Debtor’s Chapter 13 Plan proposes to pay post-petition monthly mortgage payments directly to MTGLQ Investors, LP and a pre-petition arrearage of \$20,000.00.
5. The Debtor’s Chapter 13 Plan understates the pre-petition arrearage and fails to propose a reasonable length of time to cure the pre-petition arrearage.

6. The mortgage is non-modifiable pursuant to 11 U.S.C. §1322(b)(2).
7. As of September 17, 2019, the pre-petition arrearage was approximately \$35,111.53.
8. That Debtor's Chapter 13 Plan appears under-funded to cure the pre-petition arrearage within a reasonable length of time.
9. Depending upon any additional facts learned before the hearing on confirmation, MTGLQ Investors, LP reserves the right to assert that the Plan was not proposed in good faith pursuant to 11 U.S.C. § 1325(a)(3).

WHEREFORE, MTGLQ Investors, LP, by and through its attorneys prays that Confirmation be denied, and the case be dismissed, or in the alternative, Creditor prays that this Chapter 13 be converted to a Chapter 7 pursuant to 11 U.S.C. §1307(c).

Date: 9/24/2019

Respectfully submitted,

/s/ Heather D. McGivern
Daniel K. Eisenhauer, Bar #85242
Heather D. McGivern, Bar #91767
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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
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IN RE:

SHELIA A JACKSON

Debtor

Chapter 13
Case No. 19-61801-RBC

MTGLQ INVESTORS, LP	
Movant	
v.	
SHELIA A JACKSON 2614 HUNTINGTON ROAD CHARLOTTESVILLE, VA 22901 (Debtor)	
HERBERT L. BESKIN P.O. BOX 2103 CHARLOTTESVILLE, VA 22902 (Trustee)	
Respondents	

NOTICE OF OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN
AND NOTICE OF HEARING

MTGLQ Investors, LP has filed an objection to your Chapter 13 plan in this bankruptcy case.

Confirmation of your Chapter 13 plan may be denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny confirmation of your plan, then you and your attorney must:

ATTEND THE HEARING TO BE HELD:

at: Courtroom United States Bankruptcy Court Virginia, 1101 Court St., Room 210,
Lynchburg, VA 24504

on: November 14, 2019 at 09:30 AM

to consider and act upon Objection to Confirmation filed by MTGLQ Investors, LP

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: 9/24/2019

Respectfully submitted,

/s/ Heather D. McGivern

Daniel K. Eisenhauer, Bar #85242

Heather D. McGivern, Bar #91767

Orlans PC

PO Box 2548

Leesburg, VA 20177

(703) 777-7101

Attorneys for MTGLQ Investors, LP

deisenhauer@orlans.com

hmcgivern@orlans.com

CERTIFICATE OF SERVICE

The undersigned states that on September 24, 2019, copies of the foregoing Objection to Confirmation were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Herbert L. Beskin
P.O. Box 2103
Charlottesville, VA 22902
hbeskin@cvillech13.net
Bankruptcy Trustee

Shannon T. Morgan
ROYER CARAMANIS, PLC
200-C Garrett Street
Charlottesville, VA 22902
SMorgan@TGBLaw.com
Debtor's Attorney

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Objection to Confirmation to the following non-ECF participants:

Shelia A Jackson
2614 Huntington Road
Charlottesville, VA 22901
Debtor

/s/ Heather D. McGivern
Daniel K. Eisenhauer, Esquire
Heather D. McGivern, Esquire